

## DECLARATION AND POWER OF ATTORNEY FOR U.S. PATENT APPLICATION

( X ) Original   ( ) Supplemental   ( ) Substitute   ( ) PCT   ( ) Design

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE: COMMUNICATION TESTING APPARATUS AND METHOD OF USE

of which is described and claimed in:

( x ) the attached specification, *or*

( ) the specification in the application Serial No. \_\_\_\_\_ filed \_\_\_\_\_,

and with amendments through \_\_\_\_\_ (if applicable), *or*

( ) the specification in International Application No. PCT/ \_\_\_\_\_, filed \_\_\_\_\_,

and as amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the content of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, ' 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, ' 119 (and ' 172 if this application is for a Design) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

COUNTRY	APPLICATION NO.	DATE OF FILING	PRIORITY CLAIMED

I hereby claim the benefit under Title 35, United States Code, ' 120 and ' 119(e) of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, ' 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, ' 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	U.S. FILING DATE	STATUS: PATENTED, PENDING, ABANDONED
Atty. Docket No. Circ.014P	3/10/2004	Pending

And I hereby appoint Adam C. Volentine, Reg. No. 33,289 and William S. Francos, Reg. No. 38,456, and the firm of VOLENTINE FRANCOS, P.L.L.C., jointly and severally, attorneys to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

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I further declare that all statements made herein of my own knowledge are true, and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1st Inventor \_\_\_\_\_ Date \_\_\_\_\_  
Ernest E. Bergmann

2nd Inventor \_\_\_\_\_ Date \_\_\_\_\_  
William J. Thompson

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Applicant Reference No.: APP.011 Atty Docket No.: CIRC.011